

**CHAPTER 1203****LAW ENFORCEMENT — PERSONAL PROPERTY DISPOSITION —  
STATE AND LOCAL PENALTIES**

S.F. 2245

**AN ACT** relating to law enforcement agencies, and to the enforcement of criminal offenses and local ordinances, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 80.39, Code 1999, is amended to read as follows:

**80.39 DISPOSITION OF PERSONAL PROPERTY.**

1. Personal property, except for motor vehicles subject to sale pursuant to section 321.89, and seizable property subject to disposition pursuant to chapter 809 or 809A, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department of public safety or a local law enforcement agency and which the department or agency does not own, shall be disposed of pursuant to this section. If by examining the property the owner or lawful custodian of the property is known or can be readily ascertained, the department or agency shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. A published notice may contain multiple items.

2. The department or agency may return the property to a person if that person or the person's representative does all of the following:

- a. Appears at the location where the property is located.
- b. Provides proper identification.
- c. Demonstrates ownership or lawful possession of the property to the satisfaction of the department or agency.

3. After ninety days following the mailing or publication of the notice required by this section, or if the owner or lawful custodian of the property is unknown or cannot be readily determined, or the department or agency has not turned the property over to the owner, the lawful custodian, or the owner's or custodian's representative, the department or agency may dispose of the property in any lawful way, including but not limited to the following:

- a. Selling the property at public auction with the proceeds, less department or agency expenses, going to the general fund of the state if sold by the department, the rural services fund if sold by a county agency, and the general fund of a city if sold by a city agency, however, the department or agency shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.
- b. Retaining the property for the department's or agency's own use.
- c. Giving the property to another agency of government.
- d. Giving the property to an appropriate charitable organization.
- e. Destroying the property.

4. Except when a person appears in person or through a representative within the time periods set by this section, and satisfies the department or agency that the person is the owner or lawful custodian of the property, disposition of the property shall be at the discretion of the department or agency. The department or agency shall maintain the receipt and disposition records for all property processed under this section. Good faith compliance with this section is a defense to any claim or action at law or in equity regarding the disposition of the property.

Sec. 2. Section 321.47, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "ad".

Sec. 3. Section 321.91, subsection 2, Code 1999, is amended to read as follows:

2. ~~Any~~ A person who abandons a vehicle shall be convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "m".

Sec. 4. Section 321.99, Code 1999, is amended to read as follows:

321.99 FRAUDULENT USE OF REGISTRATION.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "o".

Sec. 5. Section 321.104, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is a simple misdemeanor; punishable as provided in section 321.482 a scheduled violation under section 805.8, subsection 12, for any person to commit any of the following acts:

Sec. 6. Section 321.115, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "o".

Sec. 7. Section 321.219, Code 1999, is amended to read as follows:

321.219 PERMITTING UNAUTHORIZED MINOR TO DRIVE.

~~No~~ A person shall not cause or knowingly permit the person's child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such the minor is not authorized hereunder under this section or in violation of any of the provisions of this chapter.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "w".

Sec. 8. Section 321.220, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "w".

Sec. 9. Section 321.234A, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 4, paragraph "b".

Sec. 10. Section 321.247, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "e".

Sec. 11. Section 321.294, Code 1999, is amended to read as follows:

321.294 MINIMUM SPEED REGULATION.

~~No~~ A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a simple misdemeanor, ~~and be punished as provided in section 321.482~~ punishable as a scheduled violation under section 805.8, subsection 2, paragraph "l".

Sec. 12. Section 321.302, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "h".

Sec. 13. Section 321.327, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "i".

Sec. 14. Section 321.366, unnumbered paragraph 3, Code 1999, is amended to read as follows:

Violations of this section are punishable ~~as provided in section 321.482~~ as a scheduled violation under section 805.8, subsection 2, paragraph "ai".

Sec. 15. Section 321.381, Code 1999, is amended to read as follows:

321.381 MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED VEHICLES.

It is a simple misdemeanor, ~~punishable as provided in section 321.482~~ as a scheduled violation under section 805.8, subsection 2, paragraph "m", for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

Sec. 16. Section 321.421, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 2, paragraph "e".

Sec. 17. Section 331.302, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A county shall not provide a penalty in excess of a ~~two~~ five hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. The criminal penalty surcharge required by section 911.2 shall be added to a county fine and is not a part of the county's penalty.

Sec. 18. Section 331.302, subsection 4A, paragraph a, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed thirty days' imprisonment ~~or~~ and a two five hundred dollar fine.

Sec. 19. Section 331.652, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 8. The sheriff may dispose of personal property under section 80.39.

Sec. 20. Section 364.3, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A city shall not provide a penalty in excess of a ~~two~~ five hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 21. Section 364.22, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 14. A police department may dispose of personal property under section 80.39.

Sec. 22. Section 380.10, subsection 2, Code 1999, is amended to read as follows:

2. A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed thirty days' imprisonment ~~or~~ and a ~~one~~ five hundred dollar fine.

Sec. 23. Section 482.15, Code 1999, is amended to read as follows:  
482.15 PENALTIES.

A person who violates ~~a provision of~~ this chapter or a rule issued under this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 5, paragraph "e".

Sec. 24. Section 483A.42, Code 1999, is amended to read as follows:  
483A.42 PENALTIES.

A person who violates ~~a provision of~~ this chapter is guilty of a simple misdemeanor ~~and shall be fined not less than ten dollars for each cited offense~~ punishable as a scheduled violation under section 805.8, subsection 5, paragraph "e".

Sec. 25. Section 805.8, subsection 2, paragraph e, Code Supplement 1999, is amended to read as follows:

e. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, and 321.433, the scheduled fine is twenty dollars. For violations of sections 321.247 and 321.421, the scheduled fine is one hundred dollars.

Sec. 26. Section 805.8, subsection 2, paragraph h, Code Supplement 1999, is amended to read as follows:

h. For operating, passing, turning, and standing violations under section 321.236, subsections 3, 4, 9, and 12, section 321.275, subsections 1 through 7, sections 321.295, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, sections 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, 321.340, 321.353, 321.354, 321.363, 321.365, ~~321.366~~, 321.368, 321.382, and 321.395, the scheduled fine is fifteen dollars. For violations of section 321.302, the scheduled fine is one hundred dollars.

Sec. 27. Section 805.8, subsection 2, paragraph i, Code Supplement 1999, is amended to read as follows:

i. For violations involving failures to yield or to observe pedestrians and other vehicles under section 321.257, subsection 2, sections 321.288, 321.298, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and 321.367, the scheduled fine is twenty dollars. For violations of section 321.327, the scheduled fine is one hundred dollars.

Sec. 28. Section 805.8, subsection 2, paragraph m, Code Supplement 1999, is amended to read as follows:

m. For height, weight, length, width, and load violations and towed vehicle violations under sections 321.309, 321.310, 321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457, 321.458, 321.461, and 321.462, the scheduled fine is twenty-five dollars. For weight violations under sections 321.459 and 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight. For abandoned vehicles under section 321.91, the scheduled fine is one hundred dollars.

Sec. 29. Section 805.8, subsection 2, paragraph o, Code Supplement 1999, is amended to read as follows:

o. For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under section 321.54; improper operation or failure to register under section 321.55; and violation of requirement for display of registration or plates under section 321.98, the scheduled fine is twenty dollars. For fraudulent use of registration violations under section 321.99 and violations of antique car registration requirements under section 321.115, the scheduled fine is one hundred dollars.

Sec. 30. Section 805.8, subsection 2, paragraph v, Code Supplement 1999, is amended to read as follows:

v. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one ~~hundred thousand~~ hundred thousand dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one ~~hundred thousand~~ hundred thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise, shall be chargeable only upon indictment or county attorney's information.

In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one ~~hundred thousand~~ hundred thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

Sec. 31. Section 805.8, subsection 2, paragraph w, Code 1999, is amended to read as follows:

w. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state pursuant to section 321.174, or permitting an unauthorized minor to drive in violation of section 321.219, or permitting an unauthorized person to drive in violation of section 321.220, the scheduled fine is one hundred dollars.

Sec. 32. Section 805.8, subsection 2, paragraph ad, Code Supplement 1999, is amended to read as follows:

ad. For violations of section 321.57, the scheduled fine is fifty dollars. For violations of section 321.62, the scheduled fine is fifty dollars. For violations of section 321.47, the scheduled fine is one hundred dollars.

Sec. 33. Section 805.8, subsection 2, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. ai. For violations of section 321.366, the scheduled fine is one hundred dollars.

Sec. 34. Section 805.8, subsection 4, paragraph b, Code Supplement 1999, is amended to read as follows:

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5 and 7, sections 321G.11, and 321G.13, subsections 4 and 9, the scheduled fine is twenty dollars. For violations of section 321.234A, the scheduled fine is one hundred dollars.

Sec. 35. Section 805.8, subsection 5, paragraph e, Code Supplement 1999, is amended to read as follows:

e. For violations of sections 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, and 482.9, 482.15, and 483A.42, the scheduled fine is one hundred dollars.

Approved May 19, 2000

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## CHAPTER 1204

### INCARCERATION IN OTHER JURISDICTIONS — CREDIT AGAINST SENTENCE

S.F. 2246

**AN ACT** relating to the accumulation of credit upon an inmate's sentence for Iowa inmates incarcerated in another jurisdiction.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 903A.5, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

An inmate shall not receive credit upon the inmate's sentence for time spent in custody in another state resisting return to Iowa following an escape, ~~or for time served.~~ However, an inmate may receive credit upon the inmate's sentence while incarcerated in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Approved May 19, 2000

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## CHAPTER 1205

### TAXATION OF PROPERTY USED BY IOWA NATIONAL GUARD

S.F. 2444

**AN ACT** relating to the taxation of property used by the Iowa national guard.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 427.1, subsection 2, Code Supplement 1999, is amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district, ~~or military company of the state of the~~